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Notice of Allowability

Application No.

10/712,933

Examiner

Michael W. Talbot

Applicant(s)

BUCHHOLZ, ACHIM

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 07 August 2007.
2. ☒ The allowed claim(s) is/are 1-10 and 12-22.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Monica S. Carter
 MONICA CARTER
 SUPERVISORY PATENT EXAMINER

EXAMINER'S AMENDMENT

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 13 August 2007 has been entered.
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Michael P. Leary on Wednesday, 03 October 2007.

The application has been amended as follows:

Claims:

- (a) Claim 9 has been changed from:

A tool holder according to claim 1 wherein the base (44) of the insert (42) is shaped like a number, corresponding to the number of circular cross-sectioned through holes, of overlapping solid cylinders (44a,44b) arranged side by side with their axes parallel.

so as to read:

A tool holder according to claim 1 wherein the base (44) of the insert (42) is shaped like a number of overlapping solid cylinders (44a,44b), the number of overlapping solid cylinders corresponding to the number of circular cross-sectioned through holes, and arranged side by side with their axes parallel.

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(b) Claim 20 has been changed from:

An insert according to claim 17 wherein the base (44) of the insert (42) is shaped like a number, corresponding to the number of circular cross-sectioned through holes, of overlapping solid cylinders (44a,44b) arranged side by side with their axes parallel.

so as to read:

An insert according to claim 17 wherein the base (44) of the insert (42) is shaped like a number of overlapping solid cylinders (44a,44b), the number of overlapping solid cylinders corresponding to the number of circular cross-sectioned through holes, and arranged side by side with their axes parallel.

(c) Claim 23 has been cancelled in its entirety.

3. The following is an examiner's statement of reasons for allowance:

Claims 1-10 and 12-22 are allowed.

Claims 1,12,17 and 22 are the independent claims.

4. Regarding claim 1, the prior art of record fails to anticipate or make obvious a tool holder for a rotary hammer having (1) "a second through hole is formed by at least two overlapping axially offset circular cross-sectioned through holes and the corresponding insert has a base shaped to fit the second through hole", solely or in combination, with a tool holder for a rotary hammer having a tube like tool holder main body formed with a first through hole for receiving a locking body for releaseably engaging a corresponding axial closed groove of a shank, the tube like tool holder main body formed with a second through hole, and an insert with a driving rib for engaging a corresponding axial rearwardly open driving groove of the shank.

Lafforgue et al. '892 is the closest art of record.

Lafforgue et al. '892 shows in Figures 3-6 a tool holder (1) comprising a tube like tool holder main body (1) have a side wall formed including a radially inward facing surface and

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formed with a first through hole (2') for receiving for receiving a locking body (6') for releaseably engaging a corresponding axial closed groove of a shank inserted within the tool holder and also formed with a second through hole (2). Lafforgue et al. '892 shows at least one hardened metal driving rib (11) located on an insert (3) fitted within the second through hole so that the rib extends axially and radially inward (Fig. 3) for engaging a corresponding axial rearwardly open driving groove of the shank inserted within the tool holder (col. 3, lines 3-6). Lafforgue et al. '892 shows the second through hole formed as an oblong truncated cone directly corresponding to the shape of the insert base (10).

Lafforgue et al. '892 lacks a tool holder for a rotary hammer having (1) "a second through hole is formed by at least two overlapping axially offset circular cross-sectioned through holes and the corresponding insert has a base shaped to fit the second through hole".

Although it is well known to have particular shaped hole formed within a tool holder for receiving a correspondingly shaped driving insert to provide engagement with a tool shank, there is no teaching in the prior art of record that would, reasonably and absent impermissible hindsight, motivate one having ordinary skill in the art to so modify the teachings of Lafforgue et al. '892, noting that in Lafforgue et al. '892, the second through hole is formed as an oblong truncated cone directly corresponding to the shape of the insert base, and not by at least two overlapping axially offset circular cross-sectioned through holes directly corresponding to the shape of the insert base. Thus, for at least the foregoing reasons, the prior art of record neither anticipates nor rendered obvious the present invention as set forth in independent claim 1.

5. Regarding claim 12, the prior art of record fails to anticipate or make obvious a tube like tool holder body having (1) "a second through hole is formed by at least two overlapping axially offset circular cross-sectioned through holes", solely or in combination, with a tube like tool

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holder body having a first through hole for receiving a locking body and a second through hole for receiving an insert with a driving rib.

Lafforgue et al. '892 is the closest art of record.

Lafforgue et al. '892 shows in Figures 3-6 a tool holder (1) comprising a tube like tool holder main body (1) have a side wall formed including a radially inward facing surface and formed with a first through hole (2') for receiving for receiving a locking body (6') for releaseably engaging a corresponding axial closed groove of a shank inserted within the tool holder and also formed with a second through hole (2). Lafforgue et al. '892 shows at least one hardened metal driving rib (11) located on an insert (3) fitted within the second through hole so that the rib extends axially and radially inward (Fig. 3) for engaging a corresponding axial rearwardly open driving groove of the shank inserted within the tool holder (col. 3, lines 3-6). Lafforgue et al. '892 shows the second through hole formed as an oblong truncated cone directly corresponding to the shape of the insert base (10).

Lafforgue et al. '892 lacks a tube like tool holder body having (1) "a second through hole is formed by at least two overlapping axially offset circular cross-sectioned through holes".

Although it is well known to have particular shaped hole formed within a tool holder for receiving a correspondingly shaped driving insert to provide engagement with a tool shank, there is no teaching in the prior art of record that would, reasonably and absent impermissible hindsight, motivate one having ordinary skill in the art to so modify the teachings of Lafforgue et al. '892, noting that in Lafforgue et al. '892, the second through hole is formed as an oblong truncated cone, and not by at least two overlapping axially offset circular cross-sectioned through holes. Thus, for at least the foregoing reasons, the prior art of record neither anticipates nor rendered obvious the present invention as set forth in independent claim 12.

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6. Regarding claim 17, the prior art of record fails to anticipate or make obvious a driving rib insert for a tubular tool holder body having (1) "a through hole formed in the tool holder body by at least two overlapping axially offset circular cross-sectioned through holes", solely or in combination, with a driving rib insert for a tubular tool holder body having a hardened driving rib and a base shaped to fit the through hole in the tool holder body so that the rib extends axially and extends radially inwardly of the radially inward facing surface of the tool holder body.

Lafforgue et al. '892 is the closest art of record.

Lafforgue et al. '892 shows in Figures 3-6 a tool holder (1) comprising a tube like tool holder main body (1) have a side wall formed including a radially inward facing surface and formed with a first through hole (2') for receiving for receiving a locking body (6') for releaseably engaging a corresponding axial closed groove of a shank inserted within the tool holder and also formed with a second through hole (2). Lafforgue et al. '892 shows at least one hardened metal driving rib (11) located on an insert (3) fitted within the second through hole so that the rib extends axially and radially inward (Fig. 3) for engaging a corresponding axial rearwardly open driving groove of the shank inserted within the tool holder (col. 3, lines 3-6). Lafforgue et al. '892 shows the second through hole formed as an oblong truncated cone directly corresponding to the shape of the insert base (10).

Lafforgue et al. '892 lacks a driving rib insert for a tubular tool holder body having (1) "a through hole formed in the tool holder body by at least two overlapping axially offset circular cross-sectioned through holes".

Although it is well known to have particular shaped hole formed within a tool holder for receiving a correspondingly shaped driving insert to provide engagement with a tool shank, there is no teaching in the prior art of record that would, reasonably and absent impermissible hindsight, motivate one having ordinary skill in the art to so modify the teachings of Lafforgue et

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al. '892, noting that in Lafforgue et al. '892, the through hole is formed as an oblong truncated cone, and not by at least two overlapping axially offset circular cross-sectioned through holes.

Thus, for at least the foregoing reasons, the prior art of record neither anticipates nor rendered obvious the present invention as set forth in independent claim 17.

7. Regarding claim 22, the prior art of record fails to anticipate or make obvious a method of securing a driving rib insert to a tool holder body having the steps of (1) "providing a tubular tool holder body defining a radially extending through hole formed as an axially extending series of partially overlapping cylindrical bores", (2) "providing a driving rib insert comprising a rib and a base, wherein the base is formed of a series of partially overlapping cylinders and dimensioned top fit into the through hole in the tool holder body", and (3) "securing the insert in the through hole by at least one of press-fitting, adhesion, soldering, and welding", solely or in combination, with a method of securing a driving rib insert to a tool holder body having the steps of providing a tubular holder body and inserting a driving rib insert into the through hole so that the rib extends axially and extends radially inwardly of the radially inward facing surface of the tool holder body.

Lafforgue et al. '892 is the closest art of record.

Lafforgue et al. '892 shows in Figures 3-6 a tool holder (1) comprising a tube like tool holder main body (1) have a side wall formed including a radially inward facing surface and formed with a first through hole (2') for receiving for receiving a locking body (6') for releaseably engaging a corresponding axial closed groove of a shank inserted within the tool holder and also formed with a second through hole (2). Lafforgue et al. '892 shows at least one hardened metal driving rib (11) located on an insert (3) fitted within the second through hole so that the rib extends axially and radially inward (Fig. 3) for engaging a corresponding axial rearwardly open driving groove of the shank inserted within the tool holder (col. 3, lines 3-6). Lafforgue et al. '892

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shows the second through hole formed as an oblong truncated cone directly corresponding to the shape of the insert base (10).

Lafforgue et al. '892 lacks a method of securing a driving rib insert to a tool holder body having the steps of (1) "providing a tubular tool holder body defining a radially extending through hole formed as an axially extending series of partially overlapping cylindrical bores", (2) "providing a driving rib insert comprising a rib and a base, wherein the base is formed of a series of partially overlapping cylinders and dimensioned top fit into the through hole in the tool holder body", and (3) "securing the insert in the through hole by at least one of press-fitting, adhesion, soldering, and welding".

Although it is well known to have particular shaped hole formed within a tool holder for receiving a correspondingly shaped driving insert to provide engagement with a tool shank and to secure a driving insert within a tool holder via one of press-fitting, adhesion, soldering, and welding, there is no teaching in the prior art of record that would, reasonably and absent impermissible hindsight, motivate one having ordinary skill in the art to so modify the teachings of Lafforgue et al. '892, noting that in Lafforgue et al. '892, (1) the second through hole is formed as an oblong truncated cone directly corresponding to the shape of the insert base, and not by at least two overlapping axially offset circular cross-sectioned through holes directly corresponding to the shape of the insert base and (2) the driving insert is design to be replaceable, and not permanently affixed via one of press-fitting, adhesion, soldering, and welding. Thus, for at least the foregoing reasons, the prior art of record neither anticipates nor rendered obvious the present invention as set forth in independent claim 22.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the

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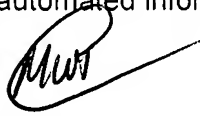
issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. Any inquiry concerning the content of this communication from the examiner should be directed to Michael W. Talbot, whose telephone number is 571-272-4481. The examiner's office hours are typically 8:30am until 5:00pm, Monday through Friday. The examiner's supervisor, Mrs. Monica S. Carter, may be reached at 571-272-4475.

In order to reduce pendency and avoid potential delays, group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at FAX number 571-273-8300. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers, which require a fee, by applicants who authorize charges to a USPTO deposit account. Please identify Examiner Michael W. Talbot of Art Unit 3722 at the top of your cover sheet.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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3 October 2007


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